

JS 44 (Rev 3/90)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS****James C. Wilson**

(b) County of Residence of First Listed Plaintiff Collin  
(EXCEPT IN U.S. PLAINTIFF CASES)

**303CV2615****DEFENDANTS**

**Crescent Jewelers, Inc., Alegis Group, L.P.  
OSI Portfolio Services, Inc., Experian Solutions, Inc., Equifax Credit Services, Inc.  
and Trans Union Corporation**  
**Dallas/Harris/Travis Co., TX**  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED **1 - Fulton County, GA**

(c) Attorney's (Firm Name, Address, and Telephone Number)

**See attached Supplemental Civil Cover Sheet**

Attorneys (If Other)

**See attached Supplemental Civil Cover Sheet****II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc Security Act	

**V. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$**

CHECK YES only if demanded in complaint

**JURY DEMAND:**☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_

JS 44 Reverse (Rev 12/96)

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44****Authority For Civil Cover Sheet**

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b.) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause.

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

ORIGINAL

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**Supplemental Civil Cover Sheet For Cases Removed  
From State Court**

**This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.**

**1. State Court Information:**

**303CV2615-G**

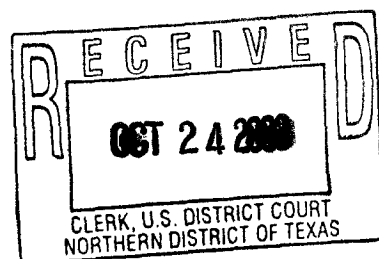
Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

**Court**

**Case Number**

Dallas County Court at Law No. 4

03-11568-D



**2. Style of the Case:**

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code).

**Party and Party Type**

**Attorneys**

James C. Wilson, Plaintiff

Jason Charles Ciarochi  
State Bar No. 24012424  
Law Office of Jason Charles Ciarochi  
208 North Market Street, Suite 11-B  
Dallas, TX 75202  
214.270.5355 Ext. 209 - Phone  
214.853.5001 Fax

Crescent Jewelers, Inc., Defendant

Blake A. Bailey  
State Bar No. 01514700  
Christopher M. McDowell  
State Bar No. 24002571  
Brown McCarroll, LLP  
2001 Ross Avenue, Suite 200  
Dallas, TX 75201  
214.999.6100 - Phone  
214.999.6170 - Fax

Alegis Group, L.P., Defendant	Unknown
Gulf State Credit, LLC, Defendant	Unknown
OSI Portfolio Services, Inc., Defendant	Unknown
Experian Information Solutions, Inc., Defendant	Everett M. Upshaw State Bar No. 24025690 Jones Day 2727 North Harwood Street Dallas, TX 75201 214.220.3939 – Phone 214.969.5100 – Fax
Equifax Information Services, Inc., Defendant	Timothy D. Zeiger State Bar No. 22255950 Shackelford Melton & McKinley, LLP 10100 N. Central Expressway, Suite 600 Dallas, TX 75231 972.490.1400 – Phone 214.696.0699 – Fax  Corey N. Cutter Georgia State Bar No. 209905 Kilpatrick Stockton, LLP 1100 Peachtree Street, Suite 2800 Atlanta, GA 30309 404.815.6500 – Phone 404.815.6555 - Fax
Trans Union Corporation, Defendant	Paul L. Myers State Bar No. 14765100 Strasburger & Price, LLP 901 Main Street, Suite 4300 Dallas, TX 75202 214.651.4300 – Phone 214.651.4330 – Fax

3. **Jury Demand:**

Was a Jury Demand made in State Court?

Yes

No

If "Yes," by which party and on what date?

**Party**

**Date**

Plaintiff, James C. Wilson

September 23, 2003

(With the filing of the Original Petition; however, according to the State Court Docket Sheet, the jury fee required by Rule 216 (b) was not tendered.)

4. **Answer:**

Was an Answer made in State Court?

Yes

No

If "Yes," by which party and on what date?

**Party**

**Date**

Defendant, Experian Information Solutions, Inc.

October 16, 2003

Defendant, Trans Union LLC

October 20, 2003

Defendant, Crescent Jewelers, Inc.

October 20, 2003

5. **Unserved Parties:**

The following parties have not been served at the time this case was removed:

**Party**

**Reason(s) for No Service**

Alegis Group, L.P.

Unknown

6. **Nonsuited, Dismissed or Terminated Parties:**

Please indicate any changes from the style on the State Court papers and the reason for that change:

**Party**

**Reason**

Gulf State Credit, LLC

Bankruptcy Litigation

OSI Portfolio Services, Inc.

Bankruptcy Litigation

7. **Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claim(s)</u>
Plaintiff	Violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681 <i>et seq.</i> , otherwise known as the Fair Credit Reporting Act ("FCRA").
	Violations of Texas Finance Code, §392.301(a)(3), §392.303(a)(2), §392.304(a)(8), §392.202.
	Violation of Texas Deceptive Trade Practices – Consumer Protection Act under §17.50 (h) of the Texas Business and Commerce Code.
	Defamation (Liable and Slander)
	Negligence
	Suit for Declaratory Judgment pursuant to Chapter 37 of the Texas Civil Practice and Remedies Code.

## NOTICE OF REMOVAL - PAGE 1

2. This Notice of Removal will be filed with the State of Texas District Court, Dallas County, and a copy of this Notice of Removal will also be served on the Plaintiff and each above-listed Defendants. In accordance with Local Rule LR 81.1, attached as Exhibit "A" is an index of all documents that clearly identifies each document and indicates the date the document was filed in state court; attached as Exhibit "B" is a copy of the docket sheet in the state court action; attached as Exhibit "C" is each document filed in the state court action, except discovery material, individually tabbed and arranged in chronological order according to the state court file date; and attached as Exhibit "D" is a separately signed certificate of interested persons that complies with LR 3.1(f).

3. Equifax was served with process and the Plaintiff's Original Petition on September 30, 2003, as well as discovery, copies of which are attached collectively to this Notice of Removal as Exhibits "C1" and "C7."

4. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331, in that this is a civil action arising under the constitution, laws or treaties of the United States; specifically 15 U.S.C. § 1681 *et seq.*, otherwise known as the Fair Credit Reporting Act ("FCRA"), as follows:

(a) Plaintiff's Original Petition (the "Complaint"), on its face, alleges a violation of the FCRA. (*See* Complaint, attached hereto Exhibit "C1").

(b) The FCRA, 15 U.S.C. §1681p, provides that any action alleging a violation of its provisions "may be brought in any appropriate United States district court without regard to the amount in controversy."

5. Removal is timely because 30 days have not elapsed since the Complaint was served upon any defendant. See Exhibit "E," Joinder and Consent to Removal of Crescent Jewelers; Exhibit "F," Joinder and Consent to Removal of Experian Services Corporation, and



Exhibit "G," Joinder and Consent to Removal of Trans Union Corporation.<sup>1</sup> No adjudication on the merits has occurred in the state court proceeding. *Beighley v. Federal Deposit Ins. Corp.*, 868 F.2d 776, 782 (5<sup>th</sup> Cir. 1989) ("in general, 'the right of removal is not lost by action in the state court short of proceeding to an adjudication on the merits.'" (quoting 1A Moore, Federal Practice P 0.157[9] at 153 (1987))).

6. The State Court in which this action was commenced is within this Court's district and division.

7. This Notice of Removal is being filed with the Dallas County Court at Law No. 4 in Dallas County, Texas, and is being served via United States Mail on Plaintiff's counsel, as set forth in the attached Certificate of Service.

WHEREFORE, Defendant prays that the above-described action now pending in the County Court of Dallas County at Law No. 4 in Dallas County, Texas, be removed to this Court.

This 24<sup>th</sup> of October, 2003.

Respectfully submitted,

**SHACKELFORD MELTON & MCKINLEY, LLP**  
10100 North Central Expressway, Suite 600  
Dallas, Texas 75231  
Telephone: (972) 490-1400  
Facsimile: (214) 696-0699

By: 

**TIMOTHY D. ZEIGER**

State Bar No. 22255950

OF COUNSEL:

Corey N. Cutter, Esq.  
Georgia Bar No. 209905  
**KILPATRICK STOCKTON LLP**  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309  
(404) 815-6500

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<sup>1</sup> At the time of the filing of this removal, Alegis had not yet been served with the Complaint in this matter. Both Gulf State Credit, LLC and OSI Portfolio Services will be nonsuited in this matter as each has filed for Chapter 11 Bankruptcy in the Eastern District of Missouri. The case number for the bankruptcy filing is 03-45870-399.

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of **NOTICE OF REMOVAL** upon counsel of record by depositing same in the United States mail, with sufficient postage thereon to insure delivery, and addressed as follows:

Jason Charles Ciarochi  
LAW OFFICE OF JASON CHARLES CIAROCHI  
208 North Market Street, Suite II-B  
Dallas, Texas 75202  
***Attorney for Plaintiff***

Blake A. Bailey  
BROWN MCCARROLL, LLP  
2000 Trammell Crow Center  
2001 Ross Avenue  
Dallas, Texas 75201  
***Attorney for Defendant Crescent Jewelers, Inc.***

Everett Upshaw  
JONES DAY  
2727 North Harwood Street  
Dallas, Texas 75201-1515  
***Attorney for Defendant Experian***

Kasey Ratliffe  
STRASBURGER & PRICE, LLP  
901 Main Street, Suite 4300  
Dallas, Texas 75202.3794  
***Attorney for Defendant Trans Union***

This 24<sup>th</sup> of October, 2003.

  
**TIMOTHY D. ZEIGER**